



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

THIS OPINION PARTIALLY  
OVERRULES OPINION #0-1341

Mr. Clinton Owsley, Director  
Gas Utilities Division  
Railroad Commission of Texas  
Austin, Texas

Dear Mr. Owsley:

Opinion No. 0-2307

Re: Separate licenses are required by H. B. No. 792, Sec. 2 b (2), Article 6053, Sec. 2 b (2), to engage in the three separately described general phases of the butane or liquefied petroleum gas business.

You have referred to our Opinion No. 0-1341, dated Aug. 29, 1939 approving the single form of license now used by your department in connection with the regulation of the butane gas business and to our Opinion No. 0-584 dated February 19, 1940 declaring that the several phases of the business should be licensed. You ask for clarifications of the apparent inconsistency between these opinions. It is our opinion that there are three general divisions of the business prescribed by H. B. No. 792.

Reference is made to Section 2 b, subsection (2) for a description of the classified activities of the butane gas business that require licenses. They are: first, to engage in the "manufacture and/or assembly and sale of any apparatus to be used in this State for the storage and/or dispensing of liquefied petroleum gas; second, to engage in the "business of transporting or dispensing liquefied petroleum gas; third, to engage in the "sale and/or installation of any apparatus for storage and/or dispensing of liquefied petroleum gas."

Subsection (3) of Section 2 b, employs identical language in describing the phases of the business in pursuit of which licensees shall file a \$2,000 bond with the Commission. Therefore for each license issued, a bond must be supplied.

**Mr. Clinton Owsley, Director, Page 2**

**In your request for the first opinion our attention was directed only to approval of the form of the license. In so far as the opinions may embrace contrary implications to the holding of this opinion, the same is hereby overruled.**

**Very truly yours**

**ATTORNEY GENERAL OF TEXAS**

**By**

**/signed/  
Hugh Q. Buck  
Assistant**

**HQB:rv**

**Approved July 23, 1940**

**/s/ Gerald C. Mann**

**Attorney General of Texas**

**APPROVED OPINION COMMITTEE  
By /s/ B.W.B., Chairman**